

KING COUNTY SUPERIOR COURT FOR THE STATE OF WASHINGTON

Plaintiffs,

vs.

Defendant.

No.

JOINT STATEMENT OF DISPUTED
JURY INSTRUCTIONS

(ILLUSTRATIVE)

The parties submit the disputed jury instructions provided herewith.

A. Plaintiffs' Proposed Instructions

<i>No.</i>	<i>Authority</i>	<i>Title</i>	<i>Def. No.</i>
1	WPI 1.01	Advance Oral Instruction (Before Voir Dire)	-
4	WPI 1.01.03; WPI 20.01	Advance Oral Instruction—Preliminary Instruction on Claims and Defenses / Issues	2
11	WPI 2.06	Witness Who Has Been Interviewed	-
17	WPI 21.03	Burden of Proof on the Issues – Contributory Negligence – No Counterclaim	18
23	Various (incl. WPI 120.06.01, modified)	Defendant's Duty of Care	16
24	Various (incl. WPI 60.01, modified)	Statute, Ordinance, or Administrative Rule; etc.	-
25	WPI 60.03 (modified)	Violation of Statute, Ordinance, Administrative Rule, or Internal Governmental Policy—Evidence of Negligence	-

28	WPI 12.02	Duty of One Confronted by an Emergency	-
31	WPI 15.01	Proximate Cause—Definition	9
32	WPI 15.04	Negligence of Defendant Concurring with Other Causes	-
33	WPI 30.02.01 WPI 30.07.01 WPI 30.08.01 WPI 30.06 WPI 30.07 WPI 32.04	Measure of Economic and Noneconomic Damages—Personal Injury—Contributory Negligence-No Counterclaim Measure of Economic Damages—Elements of Past Damages—Medical Expenses Measure of Economic Damages—Elements of Past Damages—Loss of Earnings Elements of Noneconomic Damages—Pain and Suffering Elements of Noneconomic Damages—Disability, Disfigurement, and Loss of Enjoyment of Life Measure of Damages—Loss of Consortium—Spouse/State Registered Domestic Partner	19
36	CR 49(a); WPI 45.22 (modified)	Special Verdict Form-Personal Injury/Wrongful Death—Single Defendant—Contributory Negligence—No "Empty Chairs"	<i>Id.</i>

B. Defendant's Proposed Instructions

<i>No.</i>	<i>Authority</i>	<i>Title</i>	<i>Pltf. No.</i>
2	20.01	Plaintiff's claims / summary of claims	4
9	15.01.01	Proximate cause	31
14	WPI 13.03	Assumption of Risk — Implied Primary	29 ¹
15	WPI 21.12	Burden of Proof on the Issues – Assumption of Risk – Implied Primary	30 ²
16	120.06.01	Operator of Area – Ordinary Care	23
17	120.07	Occupier – Condition on the premises	-
18	21.03 (modified)	Burden of proof – contributory negligence	17
19	30.02.01; 30.04 30.05, 30.06, 30.07 30.09.01 30.09.02	Damages Past domestic / non-medical Future domestic / non medical	33

¹ Withdrawn by Plaintiffs.

² Withdrawn by Plaintiffs.

21	RCW 79A.45.030(1) WPI 60.03	Washington Law – Skier conduct themselves	-
22	<u>Scott v. Pac West</u>	Inherent risk of skiing	-
23	<u>Vine v Bear Valley</u>	Definition of inherent risk	-
24		Special Verdict Form	36
25	RCW 79A.45.030(5) modified; WPI 60.03	Washington Law – Boarding a Lift	-

DATED this 26th day of November, 2012.

Attorneys for Plaintiffs

By: _____

1 DATED this 26th day of November, 2012.

2 Attorneys for Defendant

3
4 By: _____

5 DATED this 26th day of November, 2012.

6 Attorneys for Defendant

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9 By: _____